IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 11701 of 2004

Between:

Kondati Venkateswara Rao S/o. Abhimanyudu
Mantina Village, Kankipadu Mandal, Krishna District.

..... PETITIONER

AND

1 The Asst. Commissioner of Endowments, Vijayawada, Krishna District.
2 E.O./Person-in-Management, Sri Bhramaramba Malleswara Temple,

Mantina Village, Kankipadu Mandal, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus and restraining the respondents from evicting the petitioner from the Lands admeasuring in Survey No. 120 and 121 Acs. 6.97 cents and R.S.No. 119 and 120, Mantina Village, Kankipadu Mandal, Krishna District including the auction to be held on 19.7.2004.

Counsel for the Petitioner:MR.A.SURYANARAYANA MURTHY

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: Smt N.Indrani

The Court at the stage of admission made the following ORDER:

The petitioner claims to be the cultivating tenant in respect of the land in Survey Nos.120 and 121 and R.Survey Nos.119 and 120 situated at Mantina Village, Kankipadu Mandal, Krishna District, belonging to the second respondent-temple. When a notice was issued by the second respondent on 27-04-2003 under Rule 3 of the A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 informing the petitioner that the lease in his favour shall stand cancelled, the petitioner filed WP.No.12645 of 2003, which was disposed of by this Court on 13-08-2003 granting liberty to the petitioner to make a claim before the Assistant Commissioner of Endowments for determination of his status as landless poor. Till such determination is made, status quo shall be maintained. The petitioner states that in pursuance thereof, he made a claim before the first respondent-Assistant Commissioner of Endowments, Vijayawada, on 24-08-2003 and the same is still pending.

The grievance of the petitioner is that in the meanwhile, the second respondent is proposing to conduct auction in respect of the leasehold rights of the land in question and also taking steps to dispossess the petitioner. In the circumstance, this writ petition is filed seeking a writ of mandamus restraining the respondents from evicting the petitioner from the land in question. This Court by an order dated 09-07-2004 directed status quo shall be maintained until further orders.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the second respondent, who did not dispute the fact that the claim of the petitioner before the first respondent-Assistant Commissioner of Endowments is pending.

Having regard to the facts and circumstances, I deem it appropriate to dispose of the writ petition with the direction to the first respondent to consider the representation of the petitioner dated 24-08-2003 and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. Till such orders are passed, order of status quo granted on 09-07-2004 shall continue.

The writ petition is accordingly disposed of. No costs.

16th August, 2004.

Kvni

To

1 The Asst. Commissioner of Endowments, Vijayawada, Krishna District.
2 E.O./Person-in-Management, Sri Bhramaramba Malleswara Temple,

Mantina Village, Kankipadu Mandal, Krishna District.

3 Two CCs to the Government Pleader for Endowments, A.P.High Court Buildings,

A.P., Hyderabad. (OUT).

4 Two CD copies.